

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rickey *et al.*

Appl. No. To be assigned
(Continuation of 09/071,865)

Filed: Herewith

For: **Preparation of Biodegradable,
Biocompatible Microparticles
Containing a Biologically Active
Agent**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 00166.0063.US04



Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of all documents were previously cited or submitted in Applicants' 35 U.S.C. § 120 priority Application Nos. **08/850,679**, filed **May 2, 1997**, **09/071,865**, filed **May 4, 1998**. Accordingly, copies of the documents cited on the accompanying Form PTO-1449 are not provided. 37 C.F.R. § 1.98(d).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

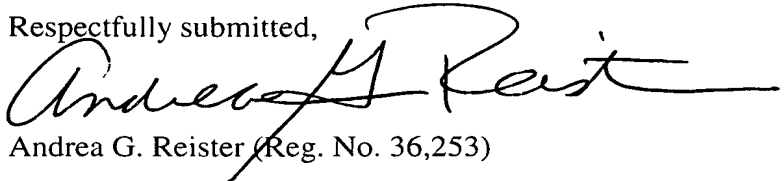
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,



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Date: march 5, 1999

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